IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO.1344 of 2005

Between:

Iyte Ammajee, w/o Srinivas Rao,
Katrevulapalli (V), Jaggampeta Mandal, East Godavari District.

..... PETITIONER

AND

1 The Joint Collector, East Godavari District, Kakinada.
2 The Revenue Divisional Officer, Peddapuram, East Godavari District.
3 The Mandal Revenue Officer, Jaggampeta, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the notification issued by the 2nd respondent in Ref.C.205/05, dated 20.01.2005 to fill up the F.P.Shop Dealership of Shop No.31, Katravulapalli Village, Jaggampeta Mandal, E.G.District as illegal, arbitrary and motivated by extraneous considerations and consequently direct the respondents not to fill up the said vacancy till the disposal of the appeal filed by the petitioner before the 1st respondent.

Counsel for the Petitioner: MR.N.SIVA REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

ORDER:

The authorization of the petitioner as a fair price shop dealer was cancelled by the 2nd respondent on certain allegations. Aggrieved thereby, the petitioner filed an appeal before the 1st respondent and the same is pending. In the meanwhile, the 2nd respondent issued a notification, dated 20.01.2005 inviting applications to select a dealer in the place of the petitioner. The same is challenged in this writ petition.

Heard the learned counsel for petitioner and learned Government Pleader for Civil Supplies.

The petitioner availed the remedy of appeal before the first respondent against the order of cancellation of her dealership. The appeal, for all practical purposes, is an extension of the original proceedings. The appellate authority is entitled to call for the record and examine the same. If the petitioner is successful in convincing the appellate authority and a dealer is appointed on regular basis in the meanwhile, several complications would arise. The interests of the cardholders can be secured by continuing the present arrangement or appointing another temporary dealer, if the situation so warrants.

Hence, the writ petition is disposed of, directing that the 2nd respondent shall not proceed with the appointment of a dealer on regular basis in the place of the petitioner, till the disposal of the appeal by the first respondent. It shall, however, be open to him to make any temporary arrangements, in the meanwhile. There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Date: 02.02.2005

Note:Issue CC in two days

(B/O)

Jsu

To

1 The Joint Collector, East Godavari District, Kakinada.
2 The Revenue Divisional Officer, Peddapuram, East Godavari District.
3 The Mandal Revenue Officer, Jaggampeta, East Godavari District.

4 Two CCs to GP for Civil Supplies, High Court of AP, Hyderabad (OUT)

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